

## **REMARKS**

Claims 1-3, 5-7 and 10-16 are currently pending in the application. Claims 1 and 5 have been amended herein. Claim 4 has been cancelled. Support for new claims 11-16 can be found in the specification at pages 10-13. Applicants respectfully submit that no new matter has been added by way of the present amendments.

### **Preliminary Matters**

Applicants note that we have not yet received an initialed copy of the Information Disclosure Statement filed on November 16, 2006. Applicants respectfully request that the references cited therein be considered and that the Examiner provide an initialed and signed copy of the PTO/SB/08 to that effect.

### **Objection to the Specification**

The Examiner objected to the specification because it contained an embedded hyperlink at page 11, line 3. In response, Applicants have amended the specification herein to remove the embedded hyperlink. No new matter was added by way of the amendment to the specification. Applicants respectfully request that the Examiner withdraw the objection to the specification.

### **Rejection Under 35 U.S.C. § 112, Second Paragraph**

Claims 1-7 and 10 have been rejected under 35 U.S.C. 112, second paragraph, as lacking antecedent basis for “the body. Claim 1 has been amended herein to recite “a body.” Applicants submit that this amendment renders the outstanding rejection moot and request withdrawal thereof.

Claims 1-7 and 10 have been rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite because an essential step is omitted.

Applicants have amended claim 1 to clarify the steps of the claimed invention. From the present amendment it is clear that the present method is directed to the examination of cancer cells by noting their binding, or lack thereof, to magnetic beads which have anti-SF-25 antibody or antigen-binding fragment thereon. Thus, Applicants submit that all essential

steps are present in the instant claims. Applicants respectfully request reconsideration and withdrawal of the outstanding rejection.

**Rejection Under 35 U.S.C. § 103(a)**

Claims 1-5, 7 and 10 have been rejected as being obvious over Park et al. (J Cancer Res Clin Oncol, 2001, 127:489-94)(hereinafter “Park et al.”) and Takahashi et al. (Cancer Research, 1988, 48:6573-579)(hereinafter “Takahashi et al.”). Applicants respectfully traverse.

Park et al. disclose a method for examining cancer cells circulating blood vessels comprising the steps of purifying the cancer cells by using anti-CEA (carcinoembryonic antigen) monoclonal antibody bound to magnetic beads, and examining mRNA expression pattern of thus purified cancer cells by RT-PCR.

However, Park et al. are silent with respect to the presence of SF-25 antibody.

On the other hand, Takahashi et al teach that SF-25 antigens are present on colon cancer cell surface, and that anti-SF-25 antibody used in the reference was produced by immunizing SF-25 antigen on the cell surface of hepatoma cell (FOCUS cell).

However, Takahashi et al. do not disclose or suggest that SF-25 is present on cancer cells other than colon cancer cells and liver cancer cells.

Therefore, the claims as presently amended have been restricted to exclude colon cancer cells and liver cancer cells.

Since Takahashi et al. do not disclose or suggest that SF-25 is present on the cancer cells other than colon cancer cells and liver cancer cells, the cited combination of Park et al. and Takahashi et al. does not arrive at the present invention. Therefore, claim 1, as amended, is not obvious over the combination of Park et al. and Takahashi et al. Applicants respectfully request reconsideration and withdrawal of the outstanding rejection.

Moreover, Applicants note that claim 6 wherein the cancer cells are restricted to leukemic mononuclear cells has not been rejected under 35 U.S.C. §103. Applicants presume that the Examiner finds the method inventive if the type of cancer is restricted to those other than disclosed in Takahashi et al. Therefore, Applicants submit that claim 6, is patentable over the cited references.

In view of the foregoing, Applicants believe the pending application is in condition for allowance and notice to that effect is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Monique T. Cole, Reg. No. 60,154, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated:

**APR 16 2007**

Respectfully submitted,

By

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